

A G E N D A

SAN RAFAEL SANITATION DISTRICT BOARD OF DIRECTORS

THURSDAY – DECEMBER 1, 2022 - 11:00 A.M.

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CORONAVIRUS (COVID-19) ADVISORY NOTICE

Consistent with the provisions in Assembly Bill 361, this Board meeting will be held virtually using Zoom.

Public comments for this meeting can be submitted via email to the District Clerk at Cindy.Hernandez@cityofsanrafael.org. The public comment period opens when the agenda is posted online and will close two hours prior to the start of the meeting. Include your name and the item you would like to provide written comment on.

To provide comments during the meeting, please use the “raise hand” feature in the Zoom Meeting and the host will notify and unmute you when it is your turn to speak.

If you experience an issue providing comments in the meeting or want to comment via phone, please call 415-485-3132.

Members of the public may speak on Agenda items.

1. ROLL CALL

2. ADOPT TELECONFERENCE MEETING RESOLUTION TO COMPLY WITH ASSEMBLY BILL 361

Adopt resolution making findings that the proclaimed state of emergency continues to impact the ability to meet safely in person and declaring that the Board will continue to meet remotely in order to ensure the health and safety of the public.

3. OPEN PERIOD

Opportunity for the public to address the Board on items not on the agenda.
(Presentations are generally limited to 2 minutes.)

4. MINUTES OF THE MEETING

Request approval as submitted – November 3, 2022.

5. PAYMENTS

Request approval as submitted.

6. OLD BUSINESS

- a. Discussion on termination of sewer service at 255 Margarita Drive.
- b. Adopt resolution rescinding Resolution No. 21-1216 and authorizing approved signatories on District checks.

7. NEW BUSINESS

- a. Discussion on future Board meetings in relation to the ending of the COVID-19 State of Emergency on February 28, 2023.*

8. INFORMATIONAL ITEMS

9. DIRECTOR REPORTS/REQUESTS FOR FUTURE AGENDA ITEMS

10. ADJOURNMENT

The next scheduled meeting is January 5, 2023.

*** Information not furnished with Agenda.**

SAN RAFAEL SANITATION DISTRICT
Agenda Item No. 2.

DATE: December 1, 2022

TO: Board of Directors, San Rafael Sanitation District

FROM: Doris Toy, District Manager/District Engineer

SUBJECT: Adopt Resolution Making Findings that the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safety in Person and Declaring that the Board will Continue to Meet Remotely in Order to Ensure the Health and Safety of the Public

RECOMMENDATION:

Adopt resolution making the findings that the proclaimed state of emergency continues to impact the ability to meet in person and declaring that the Board will continue to meet remotely in order to ensure the health and safety of the public.

BACKGROUND:

The Ralph M. Brown Act requires that except as specifically provided, “meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body,” Gov. Code Section 54953(a). For many years, the Brown Act has authorized members of a local agency’s legislative body to attend a public meeting by teleconference in compliance with strict procedural requirements. Under Government Code Section 54953(b)(3), in order to use teleconferencing, at least a quorum of the legislative body must participate from locations within the agency’s boundaries; and the agency must give notice of each teleconference location and allow members of the public to address the Council at each teleconference location.

On March 4, 2020, Governor Newsom declared a statewide State of Emergency in connection with the COVID-19 pandemic. Subsequently, on March 18, 2020, the Governor issued Executive Order No. N-29-20 suspending the Brown Act’s requirements for in-person meetings and facilitating the use of teleconferencing for public meetings during the State of Emergency. The Executive Order authorized public meetings to be held by teleconference only, provided that notice and accessibility requirements are met, members of the public are allowed to observe and address the legislative body at the meeting, and there is a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. This order has allowed the Board to hold its public meetings using teleconference technologies, with the requisite notice and public participation; however, the order was due to expire on September 30, 2021, and without legislative action, in-person meetings and the strict teleconferencing procedures of the Brown Act would again be required.

Because the statewide State of Emergency continues and the COVID-19 pandemic still poses a health risk for public meetings, on September 16, 2021, Governor Newsom signed into law as an urgency measure Assembly Bill (AB) 361. AB 361 amends the Brown Act provisions governing the use of teleconferencing for public meetings of a local agency's legislative bodies, allowing more liberal teleconferencing requirements to continue during the current and future state-declared emergencies.

ANALYSIS:

Executive Order N-29-20 has now expired, but AB 361 is now in effect, and its amendments to the Brown Act will allow the District to continue to hold its meetings using teleconferencing technology after September 30th. Government Code Section 54953, as amended by AB 361, now provides in new subsection (e)(1) that during the current and any future state-declared State of Emergency, the legislative body of a local agency may use teleconferencing without complying with the procedural requirements of Government Code Section 54953(b)(3) in any of three circumstances:

- (A) The legislative body holds a meeting during a proclaimed State of Emergency, and State or local officials have imposed or recommended measures to promote social distancing.
- (B) The legislative body holds a meeting during a proclaimed State of Emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- (C) The legislative body holds a meeting during a proclaimed State of Emergency and has determined, by majority vote, pursuant to subparagraph (B), that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Certain additional requirements would apply under the new law, however, including specific requirements as to how public comment must be allowed and heard, with which the Board already complies. In addition:

- In the event of a disruption which prevents the Board from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the District's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevent the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.
- If a State of Emergency remains active or state of local officials have imposed or recommended measures to promote social distancing in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to

subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

- The legislative body has reconsidered the circumstances of the State of Emergency.
- Any of the following circumstances exist:
 - (i) The State of Emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

This resolution is intended to comply with the requirement to make specified findings every 30 days. The resolution finds that the State of Emergency continues in effect, that measures to promote social distancing are still being imposed by the State and county, and that the State of Emergency directly impacts the ability of the public and the members of the Board to meet safely in person. The proposed resolution confirms the Board's determination that its public meetings should continue to be held using only teleconferencing technology.

Staff plans to agendize the same type of resolution at each regular Board meeting during the pendency of the statewide state of emergency so that the Board may continue to reconsider these findings at least every 30 days.

The Brown Act amendments adopted by AB 361 will be operative until January 1, 2024, and will then expire unless extended by new legislation.

FISCAL IMPACT:

None.

OPTIONS:

The Board has the following options to consider on this matter:

1. Adopt the resolution as proposed.
2. Adopt a modified resolution.
3. Direct staff to return with more information.
4. Take no action.

ACTION REQUIRED:

Staff recommends that the Board adopt the resolution making the findings that the proclaimed State of Emergency continues to impact the ability to meet in person and declaring that the Board will continue to meet remotely in order to ensure the health and safety of the public.

Attachment: Resolution

RESOLUTION NO. 22-1258

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN RAFAEL
SANITATION DISTRICT MAKING FINDINGS THAT THE PROCLAIMED STATE OF
EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN
PERSON AND DECLARING THAT THE BOARD OF DIRECTORS WILL CONTINUE
TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF
THE PUBLIC**

WHEREAS, the San Rafael Sanitation District (the “District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative body conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom teleconference meetings for all District Board of Directors meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which specified that Executive Order N-29-20 would remain in effect through September 30, 2021, at which point it would expire; and

WHEREAS, since the issuance of Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, the Governor's proclaimed State of Emergency remains in effect, and State and local officials, including the Marin County Director of Health and Human Services, the California Department of Public Health, and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 into law, as urgency legislation that goes into effect on October 1, 2021, amending Government Code Section 54953 of the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency, provided certain conditions are met and certain findings are made; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that the Director of Health & Human Services has recommended that the County continue to emphasize social distancing in order to minimize the potential spread of COVID-19 during indoor, public meetings.

WHEREAS, the District cannot maintain adequate safe social distance between members of the public, Board members and staff in their respective meeting locations; and

WHEREAS, because of the rise in cases due to the Delta variant, the District is concerned about the health and safety of attendees, the District's Board of Directors desires to take the actions necessary to comply with AB 361 and to continue to hold its Board and committee meetings remotely.

NOW, THEREFORE, THE SAN RAFAEL SANITATION DISTRICT BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

1. The Board has reconsidered the circumstances of the State of Emergency and finds that:
 - a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the Board of Directors, District staff, and members of the public to meet safely in person; and
 - b. State and local officials continue to recommend measures to promote social distancing.
2. District Board of Directors meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361 and Government Code Section 54953(e)(2), in order to ensure the health and safety of the public while providing access to public meetings.
3. The Board of Directors will reconsider the circumstances of the State of Emergency and revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution.

PASSED AND ADOPTED at a regular meeting of the San Rafael Sanitation District Board of Directors held on the 1st day of December 2022 by the following vote, to wit:

AYES:

NOES:

ABSENT/ABSTAIN:

SAN RAFAEL SANITATION DISTRICT

Kate Colin, Chair

ATTEST:

Maribeth Bushey, Secretary

**SAN RAFAEL SANITATION DISTRICT
Minutes of the Meeting
November 3, 2022**

Regular Meeting

Via Teleconferencing

The meeting was called to order at 11:00 A.M. by Chair Kate.

Attendance Board: Kate Colin, Chair
Maribeth Bushey, Secretary/Director
Katie Rice, Director

Attendance Staff: Doris Toy, District Manager/District Engineer
Kris Ozaki, Operations and Maintenance Manager
Tim Tran, Associate Civil Engineer
Cynthia Hernandez, District Secretary
Cynthia Fuller, Administrative Assistant Temp

Attendance Others: Michael Maher, CPA, Maher Accountancy
Kerry Laiw Gerchow, Deputy County Counsel
Dean DiGiovanni, CMSA Commissioner for SRSD

1. **ROLL CALL** – A roll call was taken, and Chair Kate, Director Bushey, and Director Rice were present.

2. **ADOPT TELECONFERENCE MEETING RESOLUTION TO COMPLY WITH ASEMBLY BILL 361**

Adopt resolution of the Board of Directors of the San Rafael Sanitation District making findings that the proclaimed State of Emergency continues to impact the ability to meet safely in person and declaring that the Board of Directors will continue to meet remotely in order to ensure the health and safety of the public.

MOTION by Director Bushey, seconded by Director Rice, to adopt the resolution making findings that the proclaimed State of Emergency continues to impact the ability to meet safely in person and declaring that the Board of Directors will continue to meet remotely in order to ensure the health and safety of the public.

AYES: Director Bushey, Director Rice, Chair Kate
NOES: None
ABSENT: None

Motion Carried

3. **OPEN PERIOD** – No persons were present to address the Board.

4. MINUTES OF OCTOBER 24, 2022.

MOTION by Director Rice, seconded by Director Bushey, to approve the minutes of the October 24, 2022, meeting as presented.

AYES: Director Bushey, Director Rice, Chair Kate

NOES: None

ABSENT: None

Motion Carried

5. PAYMENTS

MOTION by Director Bushey, seconded by Director Rice, to approve the payments for October 2022 for maintenance and operation of the District and for capital improvements.

AYES: Director Bushey, Director Rice, Chair Kate

NOES: None

ABSENT: None

Motion Carried

6. OLD BUSINESS

a. Discussion and update on the Bayside Acres Sewer Relocation Project.

i. Approve policy for unbuilt units for the Bayside project.

District Manager Toy reported the following: At the last couple of meetings, the Board had discussed developing a policy for the unbuilt units that are within the Bayside Acres Beach Sewer Relocation Project that will need to use a pumping system to pump their wastewater uphill to the sewer main. The Board had requested staff to prepare a draft policy based on these discussions. In order for the Board to consider installing a residential pumping system for residences not yet constructed, the property owners would need to submit a request, obtain an approved building permit, and begin construction before December 31, 2023. She then referred the Board to the draft policy included in the agenda packet for their review and comment and their approval if acceptable. After review and discussion, the Board requested that the wording in the final paragraph be revised from “If construction of these future residences **does not take place** before December 31, 2023,” to “If construction of these future residences **has not begun** before December 31, 2023,” and Deputy County Counsel Gerchow approved this edit.

MOTION by Director Bushey, seconded by Director Rice, to adopt the Bayside Acres Beach Sewer Relocation Project Unbuilt Unit Sewer Lateral Policy with the requested edit.

AYES: Director Bushey, Director Rice, Chair Kate

NOES: None

ABSENT: None

Motion Carried

7. NEW BUSINES

a. Presentation of the 2021-22 Financial Statements for acceptance and approval. (Michael Maher)

District Manager Toy requested CPA Michael Maher of Maher Accountancy to present this item and the next. He then reported that Maher Accountancy is the District's accounting firm, and the District's independent auditor is Maze & Associates, which is also the City's auditor. The audit of the District's 2021-22 Financial Statements was a clean audit with no deficiencies in internal control or material misstatements. Next, he presented the financial statements and reported the following: On Page 5, the Assets, Liabilities, and Net Position for the fiscal years ended June 30, 2020, 2021, and 2022 show no significant changes, and the 2022 Total Net Position is just under \$100 million. On Page 6, the Results of Operations for the fiscal years ended June 30, 2020, 2021, and 2022 show that the Revenues and Expenses are fairly flat, and the Changes in the Total Net Position are approximately \$5 to \$6 million each year. He also reported that the District is very healthy and is adding to the Net Position. The Board then expressed concern over the increase in the unrestricted funds, and Manager Toy reported that she is working on a plan to show how the District can catch up with its CIPs. She also reported that she is planning to address this matter and to establish a reserve policy at a workshop with the Board in early spring of next year. The Board then made some additional comments and suggestions. Finally, the Board thanked CPA Maher for the work that he does to ensure that the District is in a good position.

MOTION by Director Rice, seconded by Director Bushey, to accept and approve the 2021-22 Financial Statements as presented.

AYES: Director Bushey, Director Rice, Chair Kate

NOES: None

ABSENT: None

Motion Carried

b. Presentation of the 2021-22 Schedule of Connection Fees for acceptance and approval. (Michael Maher)

CPA Michael Maher reported that California Government Code Section 66013 requires certain disclosures for the sewer connection fees. He reported that this money is applied to specific projects in order to avoid carrying a balance of the connection fees beyond the end of the fiscal year, which would cause them to become a restricted asset. He also reported that because the funds needed for the Capital Improvement Projects (CIPs) exceeded the funds collected from the sewer connection fees, all of the connection fees were applied to specific CIPs during the fiscal year. In Fiscal Year 2021-22, \$475,897 was applied to the Woodland Avenue Sewer Improvement Project, and \$41,865 was applied to the Bayside Acres Beach Sewer Relocation Project for a total of \$517,752.

MOTION by Director Bushey, seconded by Director Rice, to accept and approve the 2021-22 Schedule of Connection Fees as presented.

AYES: Director Bushey, Director Rice, Chair Kate
NOES: None
ABSENT: None

Motion Carried

c. Discussion on the District's Disbursement Policy.

CPA Michael Maher reported that the District currently requires two signers on its checks, one by the District Manager/District Engineer and the other by one of the Board members, which has become very inconvenient. He also reported that both he and District staff had looked into some other options. He then reported that there are two issues to consider, which are whether two check signers should be required and whether the District's invoices can be paid without issuing checks. Next, he reported that the District will always need to make check payments since not everything can be paid electronically. He also reported that the District does not currently make any electronic payments since it operates outside of the County's accounts payables system. In addition, the District does not utilize the County's ACH system but instead writes checks from a separate check stock. He then reported that both he and Manager Toy had met with staff from the County Treasurer's office to discuss this matter, and it was decided that the best option for the District would be to have a single signer on the checks since the District already has other mitigating controls in place, such as: The District has multiple approvers on all invoices before the checks are written; Maher Accountancy holds the checks but does not sign them; the check signers are currently the District Manager and the District's Board members, none of which have any access to the check stock; the positive pay system, which does not allow any checks to be paid if they are not on the electronic data file submitted to the County by Maher Accountancy; and the list of payments submitted to the Board each month as a retrospective review of the payments that have been made. CPA Maher reported that the District is not required to have two signers on its checks, and he does not know why the process was set up this way. He then reported that he and staff are proposing that one of the signatures be dropped from the check stock since this would be the easiest way to streamline the payment process. District Manager Toy then reported that another suggestion that was made by the County was to deposit any check payments received by the District electronically in lieu of hand-carrying the checks to the County. The electronic deposit process would involve using a scanner provided by the County, and County staff would work with District staff on this process. The Board then reported that the deposit process was referenced in the report by MRG and is one of the areas where the District has wanted to improve. The Board then discussed these matters and expressed their desire to reduce the number of check signers from two down to one. CPA Maher also reported that Manager Toy could perform a retroactive quarterly review of the cash, which is shown on the Trial Balance Reports that are issued by the County. The Board then requested to receive information on the District's cyber security in regard to technology, firewalls, employee training, etc., at a future date.

MOTION by Director Bushey, seconded by Director Rice, to approve a revision to the District's disbursement policy by requiring only one signature on the checks and authorizing the District Manager/District Engineer to be the authorized check signer; and in the event that the District Manager/District Engineer is unavailable, the Senior Civil Engineer, Operations & Maintenance Manager, and the Board members would be the alternate approved signers.

AYES: Director Bushey, Director Rice, Chair Kate
NOES: None
ABSENT: None

Motion Carried

The Board also authorized approval of a revision to the District's deposit policy that would allow electronic deposits to be made as described by the District Manager/District Engineer in her staff report as presented. The revisions to the District's disbursement policy will be formally adopted by resolution at the next meeting.

d. Approval of the updated Sewer System Management Plan (SSMP). (Tabled)

District Manager Toy reported that this is a comprehensive plan that details activities and strategies that the District uses to manage the sewer collection system effectively. She also reported that this is a comprehensive update of the SSMP, which is required by the State Water Board every five years. She then reported that although a draft of the updated SSMP had been completed, she first wanted to have it reviewed by a consultant before bringing it to the Board for approval, since the consultant might have some suggestions for improvements. The Board then agreed that this would be a good idea since the comprehensive update of the SSMP is only done every five years. The Board also expressed concern about possible penalties since this report is overdue, and Manager Toy reported that she had emailed the State Water Board to let them know the status of this report. She also reported that this report would probably be ready for the Board to review by early next year, depending on the consultant's schedule.

8. INFORMATIONAL ITEMS

None.

9. DIRECTOR REPORTS/REQUESTS FOR FUTURE AGENDA ITEMS

a. Assembly Bill 361.

Chair Kate reported that the proclaimed State of Emergency ends in February of 2023, which will require the Board to meet in person beginning in March of 2023. She also reported that she would like for this information to be included as an agenda item on the December 2022 agenda.

b. Update on status of sewer lateral connection at 255 Margarita Drive.

District Manager Toy reported that the owner of 255 Margarita Drive, Paul Thompson, did not install his sewer lateral according to the plans previously approved by the District but had instead installed his lateral across his neighbor's property. She also reported that Marin LAFCO had a meeting on this matter last month, which she had attended, and LAFCO had decided to give Mr. Thompson until December 9, 2022, to either obtain an easement from his neighbor and submit a new set of plans for the District's approval or install his lateral according to the plans that the District had previously approved. She then reported that Mr. Thompson had been trying to contact his neighbor regarding this matter but had been unsuccessful. Mr. Thompson also had his lawyer draft a Grant of

Easement and put it into his neighbor's mailbox but has not received a response. Finally, the District's Operations and Maintenance Manager, Kris Ozaki, was able to contact Mr. Thompson's neighbor by phone. He then agreed to contact Mr. Thompson but again had not done so as of yet. Manager Toy then reported that she was going to call Mr. Thompson to let him know that if he was unable to obtain an easement from his neighbor by LAFCO's deadline of December 9th, the District would need to begin the hearing process to disconnect his sewer line. She also reported that she was planning to put this matter on the December agenda for discussion on the hearing process and that Mr. Thompson could then be disconnected from the sewer in January or February if he does not comply with LAFCO's requirements. The Board then requested Manager Toy to include the initial date that Mr. Thompson was notified of this matter in her staff report and reported that LAFCO had been putting more pressure on the District to resolve this issue.

10. ADJOURNMENT

There being no further business to come before the Board, the meeting of November 3, 2022, was adjourned at 11:50 A.M. The next regular meeting of the San Rafael Sanitation District was scheduled for Thursday, December 1, 2022, via teleconferencing.

Respectfully submitted,

Maribeth Bushey, Recording Secretary

ATTEST THIS 1st DAY OF DECEMBER 2022

Kate Colin, Chair



SAN RAFAEL SANITATION DISTRICT
PAYMENT SUMMARY
November 1, 2022 - November 30, 2022

Vendor/Payee	Memo	Class	Acct #	Account Name	Amount
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 9/28/22	200	2021	Uniforms	233.60
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 10/05/22	200	2021	Uniforms	208.30
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 10/19/22	200	2021	Uniforms	207.54
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 10/26/22	200	2021	Uniforms	212.14
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 11/02/22	200	2021	Uniforms	207.54
AT&T *1623	Telephone Service - land lines for pump stations and dialers from 10/02/22-11/02/22	100	2534	Telephone service	538.98
BUCKLES-SMITH ELECTRIC COMPANY	Pump Stations - service contract with Rockwell Automation for SCADA software support and upgrades from 6/25/22-6/24/25	200	2359	Maint- pump stat's & force mains	4,136.16
COLIN, KATE	Director's Fees - Kate Colin on 10/24/22	100	2282	Director's fees	100.00
COLIN, KATE	Director's Fees - Kate Colin on 11/03/22	100	2282	Director's fees	100.00
COUNTY OF MARIN	Director's Fees - Katie Rice on 10/24/22	100	2282	Director's fees	100.00
COUNTY OF MARIN	Director's Fees - Katie Rice on 11/03/22	100	2282	Director's fees	100.00
DIEGO TRUCK REPAIR, INC.	Vehicles - vehicle repairs for vactor on 10/03/22	200	2083	Parts and repairs vehicles	5,230.69
EVOQUA WATER TECHNOLOGIES, LLC	Odor Control - odor control chemical delivered to pump stations on 9/27/22	200	2106	Odor control chemicals	10,983.09
EVOQUA WATER TECHNOLOGIES, LLC	Odor Control - service and inspection of chemical tanks at pump stations in October 2022	200	2106	Odor control chemicals	1,624.55
EVOQUA WATER TECHNOLOGIES, LLC	Vehicle and Equipment Acquisition - odor scrubber at West Railroad Pump Station on 9/28/22	100	4830	Vehicle equipment & acquisition	42,941.00
EWERS ENGINEERING INC	Isolation Valve Replacement Project - engineering services from 10/05/22-11/04/22	300	4345	Isolation Valve Replacement (10	6,215.00
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 10/09/22	100	2325	Consulting services	381.85
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 10/16/22	100	2325	Consulting services	1,495.88
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 10/23/22	100	2325	Consulting services	1,495.88
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 10/30/22	100	2325	Consulting services	1,495.88
HERNANDEZ, CYNTHIA	Miscellaneous Expenses - class B driver permit for new Sewer Maintenance worker	100	2389	Miscellaneous expenses	85.00
MAHER ACCOUNTANCY	Accounting Services - audit assistance and financial statement preparation for 6/30/22	100	2717	Accounting services	10,500.00
MARIBETH BUSHEY	Director's Fees - Maribeth Bushey on 10/24/22	100	2282	Director's fees	100.00
MARIBETH BUSHEY	Director's Fees - Maribeth Bushey on 11/03/22	100	2282	Director's fees	100.00
MARIN COUNTY TAX COLLECTOR	2020 Sewer Pipe Repair and Replacement Project, Phase 2 - conformed plans and specs	300	4342	2020-21 Sewer Improvement (80)	991.00
MARIN MUNICIPAL WATER DIS	Water - 44 Lagoon Road from 8/18/22-10/18/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - 1271 Andersen Drive from 8/11/22-10/11/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - 3106 Kerner Boulevard from 8/17/22-10/17/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - Andersen Drive from 8/11/22-10/11/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - Castro Avenue from 8/16/22-10/13/22	200	2536	Water utility costs	181.01
MARIN MUNICIPAL WATER DIS	Water - Catalina Boulevard from 8/16/22-10/13/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - East Francisco Boulevard from 8/16/22-10/13/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - East Francisco Boulevard from 8/17/22-10/17/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - Montecito Road from 8/17/22-10/17/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - North San Pedro Road from 8/18/22-10/18/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - Peacock Drive from 8/18/22-10/18/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - Point San Pedro Road from 8/17/22-10/17/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - Riviera Drive LT28 Sewer Pump from 8/18/22-10/18/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - Simms Street from 8/11/22-10/11/22	200	2536	Water utility costs	86.63
MARIN MUNICIPAL WATER DIS	Water - Woodland Avenue from 8/11/22-10/11/22	200	2536	Water utility costs	86.63
MARIN ROTO-ROOTER SEWER SERVICE, INC	Standby - service at 1st Street and C Street on 11/01/22	200	2363	Standby services	2,100.00
MARIN ROTO-ROOTER SEWER SERVICE, INC	Standby - service at 201 Vista Del Mar on 11/01/22	200	2363	Standby services	750.00
MARIN ROTO-ROOTER SEWER SERVICE, INC	Standby - service at 260 Mountain View Avenue on 10/19/22	200	2363	Standby services	750.00

MAZE & ASSOCIATES, INC.	Consulting Services - audit of financial statements for FY2021-2022 - October 2022	100	2325	Consulting services	1,500.00
MILLER PACIFIC ENGINEERING GROUP INC	Bayside Acres Beach Sewer Improvements Project - geotechnical services from 8/29/22-10/16/22	300	4338	Rehab of Beach Swr Bayside (80)	12,909.30
MUNICIPAL RESOURCE GROUP, LLC	Consulting Services - workplan implementation services through 9/30/22	100	2325	Consulting services	2,812.50
NUTE ENGINEERING INC	Bayside Acres Beach Sewer Improvements Project - engineering services from 9/01/22-9/30/22	300	4338	Rehab of Beach Swr Bayside (80)	29,059.50
PG&E a/c 2480926202-5	Power - electric service for pump stations from 9/09/22-10/09/22	200	2535	Electric utility costs	13,663.12
PUMP REPAIR SERVICE CO INC	Pump Stations - pump repair at pump tag #76	200	2359	Maint- pump stat's & force mains	5,395.04
PUMP REPAIR SERVICE CO INC	Pump Stations - pump repair at shop pump #2	200	2359	Maint- pump stat's & force mains	4,930.73
SEBASTOPOL BEARING & HYDRAULIC	Collection System - hose clamps for vacator to clean wet wells	200	2360	O&M - collection systems	85.02
TIFCO INDUSTRIES	Pump Stations - maintenance for pump station	200	2359	Maint- pump stat's & force mains	175.09
US BANK CORPORATE PAYMENT	Miscellaneous Expenses - advertisement for Administrative Analyst job posting	100	2389	Miscellaneous expenses	75.00
US BANK CORPORATE PAYMENT	Miscellaneous Expenses - advertisement for Assistant District Manager job posting	100	2389	Miscellaneous expenses	175.00
US BANK CORPORATE PAYMENT	Miscellaneous Expenses - advertisement for Assistant District Manager job posting	100	2389	Miscellaneous expenses	300.00
US BANK CORPORATE PAYMENT	Pump Stations - caulking for Cayes Pump Station	200	2359	Maint- pump stat's & force mains	71.74
US BANK CORPORATE PAYMENT	Subscriptions - Marin IJ for 8 weeks	100	2131	Memberships and subscriptions	219.38
VERIZON WIRELESS(242395655)	Telephone Service - private IP addresses for the San Pedro and Peacock Pump Stations from 9/18/22-10/17/22	100	2534	Telephone service	136.05
VERIZON WIRELESS(372347623)	Telephone Service - wireless service for laptops and iPad from 9/21/22-10/20/22	100	2534	Telephone service	426.11
W. R. FORDE ASSOCIATES	Bayside Acres Beach Sewer Improvements Project - progress payment #1	300	4338	Rehab of Beach Swr Bayside (80)	566,276.00
					\$ 732,987.49

SAN RAFAEL SANITATION DISTRICT
Agenda Item No. 6a.

DATE: December 1, 2022
TO: Board of Directors, San Rafael Sanitation District
FROM: Doris Toy, District Manager/District Engineer
SUBJECT: Discussion on Termination of Sewer Service at 255 Margarita Drive

BACKGROUND:

In July 2015, the District was notified that Paul Thompson had requested the Marin Local Agency Formation Commission (LAFCo) for an outside service extension to connect his property at 255 Margarita Drive to the District’s sewer main in order to address a failing septic system that posed an impending threat to public health and safety. The District agreed to serve as joint-applicant for this request under Government Code Section 56133. In August 2015, LAFCo approved the application for a one-year period, and the District also granted approval of Mr. Thompson’s plans for the installation of a new sewer lateral. However, upon inspection of the sewer lateral, staff discovered that it was improperly installed and connected to the District’s sewer main.

The District’s approved set of plans show that the new sewer lateral runs from 255 Margarita Drive to the 10-foot public utility easement on 245 Margarita Drive, then on to Margarita Drive for approximately 100 feet where it connects to the District’s sewer main. However, the new sewer lateral was not installed as shown on the plans. The lateral did not go into Margarita Drive; instead, it stopped short, turned across 265 Margarita Drive, and connected to the sewer main upstream from the proposed location. Staff requested Mr. Thompson to rectify the improper connection by submitting a revised set of sewer plans and a Grant of Easement from 265 Margarita Drive. Since Mr. Thompson needed more time to remedy the improper connection, LAFCo granted various extensions which expired in February 2018. However, Mr. Thompson has still not received a Grant of Easement from his neighbor at 265 Margarita Drive.

In summary, staff has requested the following from Mr. Thompson:

1. For the current sewer lateral alignment:
 - a. Submit a copy of a Recorded Grant of Easement from 265 Margarita Drive;
 - b. Submit a revised set of civil plans stamped by a California licensed Civil Engineer;
 - c. Once the revised set of plans are approved, Mr. Thompson’s contractor shall verify that the sewer lateral has been installed per the approved plans; if it has not, then his contractor shall make the corrections.
 - d. Once Mr. Thompson’s contractor is ready for inspection, he shall make an appointment with the District’s Inspector to get the lateral installation approved; OR

2. If Mr. Thompson is unsuccessful in obtaining an easement from his neighbor at 265 Margarita Drive (whether he is unable to contact his neighbor or to achieve agreement), he will need to find another alternative to connect to the sewer main, as follows:
 - a. Install the sewer lateral per the approved drawings from August 28, 2015; or
 - b. If he does not want to install the lateral per the August 28, 2015, drawings, then he will need to submit new civil plans stamped by a California Licensed Civil Engineer for the District's review and approval.

In September 2022, Mr. Thompson submitted a new annexation application, which LAFCo approved at its October 13, 2022, Commission meeting with the condition that Mr. Thompson meet the District's requirements stated above by December 9, 2022. If those requirements are not met, then the applicant could request an extension at LAFCo's December 8, 2022, Commission meeting.

ANALYSIS:

Since both District and LAFCo staff have been trying to get this matter resolved for the past seven years and LAFCo has been placing more pressure on the District with multiple discussions between both legal counsels recently, staff is requesting that the District begin the process for termination of sewer service in the event that Mr. Thompson is unable to meet LAFCo's deadline of December 9, 2022.

Per the California Health & Safety Code, Section 6523.2, the District may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule or regulation is found to exist. Prior to termination of service, however, the District Board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing. The notice shall be mailed to the owner and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service, the reasons, and the date the District Board shall hold a hearing upon such intended termination. Such hearing shall not be held less than 10 days subsequent to the giving notice as required.

RECOMMENDATION:

Staff recommends beginning the termination of sewer service procedures for 255 Margarita Drive per the Health & Safety Code, Section 6523.2, which includes the following:

1. Set the hearing date. Staff recommends setting the hearing date for the January Board Meeting.
2. Set the date of proposed termination of sewer service. Staff recommends the termination of service to be on January 31, 2023.
3. Send a notice to Mr. Thompson, at a minimum 10 days prior to the hearing, stating the date of proposed termination of service, the reasons, and the hearing date.

ACTION REQUIRED:

Approve staff's recommendations stated above and/or provide other direction to staff.

SAN RAFAEL SANITATION DISTRICT
Agenda Item No. 6.b.

DATE: December 1, 2022
TO: Board of Directors, San Rafael Sanitation District
FROM: Doris Toy, District Manager/District Engineer
SUBJECT: Adopt Resolution Rescinding Resolution No. 21-1216 and Authorizing Approved Signatories on District Checks

Summary

On December 31, 2008, the San Rafael Sanitation District terminated the accounting services with the County of Marin, which included the issuing of checks. However, the District has continued to use the County for collecting, safeguarding, and investing District funds. The County currently has an agreement with Bank of America for its banking services. Since the termination of accounting services with the County, we have obtained Maher Accountancy to perform this service for the District, including the issuing of checks. These checks currently require two authorized signatures.

Analysis

Per Resolution No. 21-1216, the Board authorized Doris Toy, the District Manager/District Engineer, and David Nicholson, the Senior Civil Engineer, to be the approved signatories on District checks and Kate Colin, Board Chair; Katie Rice, Board Director; and Maribeth Bushey, Board Secretary/Director were authorized to be the alternate approved signatories. However, since David Nicholson has retired, and the District does not currently have a Senior Civil Engineer; and because the District Board and staff would now like to eliminate the second signer on District checks, Resolution No. 21-1216 needs to be updated and amended. At the November 3, 2022, meeting, the Board approved a revision to the District's disbursement policy by requiring only one signature on the District's checks and authorized Doris Toy, the District Manager/District Engineer to be the authorized check signer. In the event that she is unavailable, the Board authorized the Senior Civil Engineer (position currently unfilled); Kris Ozaki, the Operations and Maintenance Manager; Kate Colin, Board Chair; Katie Rice, Board Director; and Maribeth Bushey, Board Secretary/Director to be the alternate approved signatories.

Options:

1. Adopt revision to the District's disbursement policy by requiring only one signature on District checks and appoint signatories authorized by the Board at the November 3, 2022, meeting.
2. Appoint other signatories.
3. As directed by the Board.

Action Required

Staff recommends that the Board of Directors of the San Rafael Sanitation District choose Option 1 and adopt the resolution rescinding Resolution No. 21-1216, revising the District's disbursement policy by requiring only one signature on District checks, and authorizing the approved signatories on District checks.

Attachment: Resolution

SAN RAFAEL SANITATION DISTRICT

RESOLUTION NO. 22-1259

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN RAFAEL SANITATION DISTRICT
RESCINDING RESOLUTION NO. 21-1216 AND AUTHORIZING
APPROVED SIGNATORIES ON DISTRICT CHECKS**

WHEREAS, San Rafael Sanitation District (District) terminated the accounting services with County of Marin, which included the issuing of checks, on December 31, 2008; and

WHEREAS, District will continue to use the County's treasurer services, such as the collecting, safeguarding, and investing District funds; and

WHEREAS, County currently has an agreement with Bank of America for its banking services; and

WHEREAS, the County Treasurer will continue to be the authority on the District account; and

WHEREAS, District began issuing checks after December 31, 2008; and

WHEREAS, District checks require one (1) authorized signature.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Directors of the San Rafael Sanitation District, County of Marin, State of California, authorizes Doris W. Toy, District Manager/District Engineer, as the approved signatory. In the event that Doris W. Toy is not available, the Senior Civil Engineer (position currently vacant); Kris Ozaki, Operations and Maintenance Manager; Kate Colin, Board Chair; Katie Rice, Board Director; and Maribeth Bushey, Board Secretary/Director are the alternate approved signatories.

PASSED AND ADOPTED at a regular meeting of the San Rafael Sanitation District Board of Directors held on the 1st day of December, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT/ABSTAIN:

Kate Colin, Chair

ATTEST:

Maribeth Bushey, Secretary